United Nations A/58/138

General Assembly

Distr.: General
11 July 2003

Original: English

Fifty-eighth session
Item 74 (n) of the preliminary list*
The illicit trade in small arms and light weapons in all its aspects

The illicit trade in small arms and light weapons in all its aspects

Note by the Secretary-General

By its resolution 56/24 V of 24 December 2001, the General Assembly requested the Secretary-General to prepare a study to examine the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. Pursuant to that resolution, the Secretary-General has the honour to submit to the Assembly the report of the Group of Governmental Experts on the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

* A/58/50/Rev.1 and Corr.1.

03-42632 (E) 130803

Report of the Group of Governmental Experts established pursuant to General Assembly resolution 56/24 V of 24 December 2001, entitled "The illicit trade in small arms and light weapons in all its aspects"

Summary

The excessive accumulation, uncontrolled spread and misuse of small arms and light weapons pose a threat to peace and stability in many regions of the world and have a wide range of humanitarian and socio-economic consequences at the local, national, regional and international levels.

In the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, States identified tracing illicit small arms and light weapons as a key element of the global efforts to address the challenge posed by such weapons and undertook to enhance their cooperation in this regard.

The present report examines the nature and scope of the problem posed by illicit small arms and light weapons; describes the existing international and regional initiatives on marking, keeping records of and tracing these weapons; and discusses the technical, legal and policy issues associated with tracing. The report concludes that the development of an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons is feasible. The report also recommends that the General Assembly take a decision at its fifty-eighth session on the negotiation of such an instrument.

Contents

		Paragraphs	*Page*
	Foreword by the Secretary-General		4
	Letter of transmittal from the Chairman of the Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons addressed to the Secretary-General		5
I.	Introduction	1–15	9
	A. Mandate	1–5	9
	B. Approach and working methodology	6–15	9
II.	Nature and scope of the problem	16–31	11
	A. Defining the problem	16–27	11
	B. Existing initiatives	28–31	13
III.	Issues relating to definitions and elements of tracing: marking, record-keeping and cooperation	32–95	14
	A. Definitions	32–39	14
	B. Marking	40–64	15
	C. Record-keeping	65–78	18
	D. Cooperation in tracing	79–95	20
IV.	Conclusions	96–97	23
V.	Recommendations	98	25
Annex			
	Existing political and legal undertakings on marking, record-keeping and cooperation in tracing		27

Foreword by the Secretary-General

There is nothing "small" or "light" about the consequences of the uncontrolled spread and misuse of small arms and light weapons. In the wrong hands, small arms and light weapons kill and maim hundreds of thousands of people every year and promote cultures of violence and terror in which human rights are grossly and systematically violated, particularly with regard to women, the elderly and children, thus compromising the socio-economic development of many countries worldwide.

Of course, small arms and light weapons are also used by States to meet their legitimate self-defence and security needs. It is a well-known fact that the overwhelming majority of small arms and light weapons start their life cycle as legally produced commodities. However, many such weapons are diverted to illicit markets through unlawful transfers, theft or the breakdown of State control. In this context, the tracing of illicit small arms and light weapons becomes a critical factor for success in the struggle to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

Tracing — the systematic tracking of illicit weapons from their source, through the lines of supply, to the point of diversion into the illicit market and unlawful possession or use — depends primarily on three factors: adequate marking, accurate and comprehensive record-keeping and international cooperation and exchange of information.

The present study on the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons has determined that such an instrument is feasible. In submitting the report of the Group of Governmental Experts to the General Assembly at its fifty-eighth session, I hope that Member States will endorse the recommendation contained therein and take a decision on the negotiation of an international instrument. This would indeed constitute an important step in our collective efforts to make further progress in addressing the multifaceted challenge posed by illicit small arms and light weapons.

Letter of transmittal from the Chairman of the Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons addressed to the Secretary-General

23 June 2003

I have the honour to submit herewith the report of the Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons. The Group was appointed by you in pursuance of paragraph 10 of General Assembly resolution 56/24 V of 24 December 2001.

In March 2002 you appointed, on the basis of equitable geographical representation, the following governmental experts:

Ibrahim Abdul-Hak Neto (first and second sessions)
Secretary, Division of Disarmament and Sensitive Technologies
Ministry of Foreign Affairs
Brasilia

Ahmed Abu Zeid (third session)
Third Secretary
Permanent Mission of the Arab Republic of Egypt to the United Nations
New York

Alhassan Chado Akoji
Brigadier General
Ministry of Defence
Garki-Abuja, Nigeria

Terrence Austin (first and third sessions)
Chief, National Tracing Center
Bureau of Alcohol, Tobacco and Firearms
Washington, D.C.

Etienne Bosquillon de Jenlis
Contrôleur Général des Armées
Ministry of Defence
Paris

Todor Churov (second and third sessions)
Director, "NATO and International Security"
Ministry of Foreign Affairs
Sofia

Fu Cong
Counsellor
Department of Arms Control and Disarmament
Ministry of Foreign Affairs
Beijing

Ahmed Darwish (first session)
Ambassador of the Arab Republic of Egypt to Namibia
Windhoek

Jandyr Ferreira dos Santos, Jr. (third session)
Division of Disarmament and Sensitive Technologies
Ministry of Foreign Affairs
Brasilia

Khalil-Ur-Raham Hashmi (second and third sessions)
Deputy Director (Disarmament)
Ministry of Foreign Affairs
Islamabad

Lyubomir Ivanov (first session)
Director, "NATO and International Security"
Ministry of Foreign Affairs
Sofia

Tariq Javed (first session)
Section Officer (Disarmament)
Ministry of Foreign Affairs
Islamabad

Karen Kastner
Manager of Policy and Strategic Issues
Canadian Air Transport and Security Authority
Ottawa

Ambeyi Ligabo (first and second sessions)
Head of International Organizations, Conferences, and Small Arms Division
Ministry of Foreign Affairs and International Cooperation
Nairobi

B. J. Lombard
Political Counsellor
Permanent Mission of the Republic of South Africa to the Conference on Disarmament
Geneva

Lieutenant Colonel (r) José Rufino Menéndez Hernández
Centre for Disarmament and International Security Studies
Havana

Rear Admiral Juan R. Morales Díaz (third session)
Naval attaché
Embassy of Mexico to the United States of America
Washington, D.C.

Miroslava Olaguidel Domínguez (first session)
Ministry of Navy
Mexico City

Capitán de Navío José Luis Sánchez Sanches (second session)
Embassy of Mexico to France
Paris

Guy Sander
Senior Investigator Officer
H. M. Customs and Excise
Law Enforcement — Investigation
Custom House
London

Francis Sang (third session)
Ministry of Foreign Affairs and International Cooperation
Nairobi

Colonel Sirakoro Sangaré (second and third sessions)
President, National Committee Against Light Weapons Proliferation
Bamako

Toshio Sano
Minister
Permanent Mission of Japan to the Conference on Disarmament
Geneva

Police Colonel Naras Savestanan
Superintendent
Interpol
Bangkok

Dirk Jan Smit (first and second sessions)
Customs Policy and Legislation Department
Ministry of Finance
The Hague

Rakesh Sood
Permanent Representative of India to the Conference on Disarmament
Geneva

Errol Strong
Assistant Commissioner of Police and Security Liaison Officer
Embassy of Jamaica to the United States of America
Washington, D.C.

Stefano Toscano
First Secretary
Permanent Mission of Switzerland to the United Nations
New York

Graciela Uribe de Lozano
Ministry of Foreign Affairs
Bogotá

Vladimir Ivanovich Yermakov
Director for Arms and Technology Transfer Policy
Ministry of Foreign Affairs
Moscow

The report was prepared from July 2002 to June 2003, during which time the Group held three sessions: the first from 1 to 5 July 2002 in Geneva, the second

from 24 to 28 March 2003 in Geneva and the third from 2 to 6 June 2003 in New York.

The Group consulted with many members of civil society from the non-governmental, academic and research communities and wishes to underline the important contribution that they made to the development of the present study.

The Group wishes to express its appreciation for the excellent support that it received from members of the Secretariat. In particular, the Group wishes to thank the Under-Secretary-General for Disarmament Affairs, Jayantha Dhanapala, for his support throughout its work. Special appreciation also goes to João Honwana, Chief of the Conventional Arms Branch, Department for Disarmament Affairs; Vladimir Bogomolov, who served as Secretary of the Group at its first and second sessions; António Évora, who served as Secretary of the Group at its third session; and Peter Batchelor, who served as consultant to the Group.

The Group has requested me, as its Chairman, to submit to you, on its behalf, the present report, which was unanimously approved.

(*Signed*) Rakesh **Sood**
Chairman of the Group of Governmental Experts
on Tracing Illicit Small Arms and Light Weapons

I. Introduction

A. Mandate

1. The purpose of the present report is to present the study of the Group of Governmental Experts on the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

2. In accordance with a recommendation contained in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[1] the General Assembly, in paragraph 10 of its resolution 56/24 V of 24 December 2001, entitled "The illicit trade in small arms and light weapons in all its aspects", requested that the Secretary-General undertake a United Nations study, commencing during the fifty-sixth session of the General Assembly, within available resources and with any other assistance provided by States in a position to do so, and with the assistance of governmental experts appointed by him on the basis of equitable geographical representation, while seeking the views of States, to examine the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, and to submit the study to the General Assembly at its fifty-eighth session.

3. In January 2002, the Secretary-General appointed a Group of Governmental Experts from the following 23 States: Brazil, Bulgaria, Canada, China, Colombia, Cuba, Egypt, France, India, Jamaica, Japan, Kenya, Mali, Mexico, the Netherlands, Nigeria, Pakistan, the Russian Federation, South Africa, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

4. The Group of Governmental Experts held two sessions at Geneva, from 1 to 5 July 2002 and from 24 to 28 March 2003, and a final session at New York, from 2 to 6 June 2003.

5. At its first session the Group heard presentations from both governmental and non-governmental experts on topics related to the work of the Group, including representatives of France and Switzerland reporting on the French-Swiss initiative in the area of tracing illicit small arms and light weapons; an expert from the Swiss Animal Tracing Database; and representatives of the Quaker United Nations Office (Geneva), the Groupe de Recherche et d'Information sur la Paix et la Sécurité (Brussels) and the Small Arms Survey (Geneva). At its second session the Group heard a presentation on the conclusions of the work of the Group of Experts on the problem of ammunition and explosives (see A/54/155) and a presentation by the Small Arms Survey (Geneva) and the United Nations Institute for Disarmament Research (Geneva) on the findings of a study on the scope and implications of a tracing mechanism for small arms and light weapons. At its third session the Group heard presentations by the World Forum on the Future of Sport Shooting Activities.

B. Approach and working methodology

6. The Group of Governmental Experts considered a number of United Nations documents relating to the issue of small arms and light weapons, in particular

General Assembly resolution 56/24 V, the 1997 report of the Panel of Governmental Experts on Small Arms (see A/52/298), the 1999 report of the Group of Governmental Experts on Small Arms (see A/54/258), the 1999 report of the Group of Experts on the problem of ammunition and explosives (see A/54/155), the 2000 food-for-thought paper entitled "Contribution to the realization of an international plan of action in the context of the 2001 Conference: marking, identification and control of small arms and light weapons" (A/CONF.192/PC/7, annex), the 2001 report of the Group of Governmental Experts established pursuant to General Assembly resolution 54/54 V (see A/CONF.192/2), the 2001 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/255, annex), the 2001 report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects[2] and the 2002 report of the Secretary-General to the Security Council on small arms (S/2002/1053).

7. The Group took into account the views of States (Algeria, Belgium, Bolivia, Colombia, Cuba, the Dominican Republic, Ecuador, El Salvador, France, Switzerland, Guatemala, Japan, the Netherlands, Panama, Qatar and the Russian Federation), submitted to the Department for Disarmament Affairs, as requested in the Department's note verbale of 19 February 2002,[3] on the feasibility of developing an international instrument to enable States to identify and trace illicit small arms and light weapons.

8. It also took account of national legislation, and other documentation submitted by States, on a voluntary basis, to the Department for Disarmament Affairs, including national reports on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, as provided for in resolution 56/24 V.

9. The Group took into account the reports of the sanctions Committees of the Security Council concerning Angola (see S/2001/966, annex), Eritrea and Ethiopia (S/2001/503, annex), Liberia (S/2002/470, annex), Rwanda (S/2002/49, annex) and Sierra Leone (S/2002/50, annex), and the report of the Secretary-General on Somalia (S/2002/709).

10. The Group also took account of documentation on small arms and light weapons issued by various regional organizations, including the Organization for Security and Cooperation in Europe (OSCE), the Organization of American States (OAS) and the Southern African Development Community (SADC).

11. The Group also took account of written contributions on relevant topics related to the work of the Group, including those of Silvia Cucovaz de Arroche, Chairperson of the 1999 Group of Experts on the problem of ammunition and explosives; Christopher Ram, crime prevention expert with the United Nations Centre for International Crime Prevention; the Groupe de Recherche et d'Information sur la Paix et la Sécurité (Brussels); and the World Forum on the Future of Sport Shooting Activities.

12. The Group took account of the reports of follow-up meetings to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects that were held in Tokyo, Santiago, San José, Pretoria and Manila.

13. The Group also took account of other related international instruments, such as the latest version of the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations (2001)[4] and the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1 March 1991).

14. The Group stressed that its work and its report to the Secretary-General should be viewed as a contribution to the implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

15. The Group was guided by the following understandings: (a) that it would focus only on its mandate and refrain, to the extent possible, from discussing other issues related to small arms and light weapons, which may be important in their own right, but are irrelevant to the work of the Group; (b) that it had no mandate to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, but was rather to produce a report for the Secretary-General on the feasibility of developing such an instrument; and (c) that while its focus would be on illicit small arms and light weapons, it would also consider legal aspects, but only insofar as they had an impact on the issue of illicit weapons.

II. Nature and scope of the problem

A. Defining the problem

16. The presence of illicit small arms and light weapons and their excessive and uncontrolled spread in many regions of the world have a wide range of humanitarian and socio-economic consequences and pose a threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels.[5]

17. The illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence, contributes to the displacement of civilians, undermines respect for international law, impedes the provision of humanitarian assistance to victims of armed conflict and fuels crime and conflict.

18. Recognizing the many negative consequences associated with the excessive and uncontrolled spread of illicit small arms and light weapons, States have committed themselves to: strengthening or developing agreed norms and measures that would reinforce and further coordinate their efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects; developing and implementing agreed international measures to prevent, combat and eradicate illicit manufacturing of and trafficking in small arms and light weapons; and encouraging negotiations with the aim of concluding relevant international instruments aimed at preventing, combating and eradicating the illicit trade in small arms and light weapons.

19. More specifically, in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, States identified the tracing of illicit small arms and light weapons as a key mechanism for national, regional and/or international efforts to prevent, combat and eradicate illicit small arms and light weapons and committed themselves to

strengthening the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons.

20. Tracing is understood as the systematic tracking of one or more illicit weapons found or seized on the territory of a State from their source (the manufacturer or last legal importer or last legal owner, as applicable), through the lines of supply, to the point, if any, at which they were diverted into the illicit market, and ultimately to the person or group that last possessed them. Tracing depends primarily on the adequate marking of each weapon at the time of manufacture and if appropriate, import, the keeping of accurate and comprehensive records on all weapons under the jurisdiction of the State and the exchange of information and international cooperation between States, as well as with relevant international organizations.

21. Accordingly, the Group agreed that tracing has three key elements: marking, record-keeping, and international cooperation. All three elements have legal, technical, institutional and policy dimensions.

22. The Group agreed that the tracing of illicit small arms and light weapons may be required in the context of both crime and conflict situations. However, the Group noted that in each of these situations there are often differences in terms of the types and quantities of weapons involved, the techniques of trafficking, the types of actors and their motives or objectives.

23. Tracing involves a number of key steps:

- Correctly identifying the weapon, part or component (type, model, calibre, unique marking, serial number)
- Establishing its legal status (illicit or legal)
- Establishing an appropriate launching point for the trace
- Initiating a trace to determine:

  The key elements of its history, including its legal manufacturer and importer(s), where appropriate;

  The point of diversion, if any, from the legal sphere;

  The possible illicit use(s) of the weapon after diversion;

- Assessing the evidential value of the weapon (in a criminal investigation).

24. Tracing is most commonly carried out for purposes of law enforcement (criminal prosecution) and crime prevention. However, tracing is also carried out to investigate, prevent or curb losses from military and other official stocks as well as illicit trafficking to terrorists, rebel groups and conflict zones, including violations of arms embargoes.

25. The Group noted that current levels of cooperation, both bilateral and multilateral, in tracing illicit weapons, particularly in conflict situations, are far from adequate and could be made more effective. Many existing mechanisms and arrangements could be enhanced or strengthened. There is also a need to identify possible new mechanisms and arrangements to enhance cooperation in tracing illicit weapons.

26. The Group reaffirmed the idea that States have the primary responsibility for solving the problems associated with the illicit trade in small arms and light

weapons in all its aspects. It noted, however, that States need close international cooperation and assistance to prevent, combat and eradicate this illicit trade.

27. The Group agreed that the information sought or provided in the context of a tracing request could be affected and/or limited by a range of confidentiality issues, including State security considerations and the protection of personal data, as well as by considerations pertaining to the issue of dual criminality.

B. Existing initiatives

28. In addition to the report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, there are a number of other international and regional agreements that deal specifically with the issue of tracing, including marking, record-keeping and cooperation. These include the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, adopted in May 2001 (General Assembly resolution 55/255, annex), and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, in particular its Amended Protocol II, Technical Annex, para. 1 (d).

29. At the regional level, several recent agreements include commitments on marking, record-keeping and cooperation in tracing. These include the OAS Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, in force since July 1998, reinforced by the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition of the Inter-American Drug Abuse Control Commission, the OSCE Document on Small Arms and Light Weapons[6] and the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials.[7]

30. The definition of "firearm" used in the United Nations Firearms Protocol is different from the definition of small arms and light weapons used for the purposes of the present report. In article 3 (a) of the Protocol a firearm is defined as "any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive". This definition thus does not cover all types of small arms and light weapons addressed in the present report.

31. The scope of application of the United Nations Firearms Protocol is more limited than that of the Programme of Action and regional agreements, such as the OSCE Document and the SADC Protocol, that are concerned with the problem of illicit small arms and light weapons in all its aspects. The Firearms Protocol applies to the investigation and prosecution of offences that "are transnational in nature and involve an organized criminal group" (article 4, para. 1). It does not apply to "state-to-state transactions or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations" (article 4, para. 2).

III. Issues relating to definitions and elements of tracing: marking, record-keeping and cooperation

A. Definitions

Small arms and light weapons

32. The Group followed the practice of the Panel of Governmental Experts on Small Arms (see A/52/298, annex) with respect to the description of small arms and light weapons used for the purposes of the present report. Small arms and light weapons are weapons manufactured to military specifications for use as lethal instruments of war. They are used by all armed forces, including internal security forces, for, inter alia, self-protection or self-defence, close or short-range combat, direct or indirect fire and against tanks or aircraft at relatively short distances. Broadly speaking, small arms are those weapons designed for personal use and light weapons are those designed for use by several persons serving as a crew. The weapons addressed in the present report are categorized as follows: small arms include revolvers and self-loading pistols, rifles and carbines, sub-machine-guns, assault rifles and light machine-guns; light weapons include heavy machine-guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft-guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missiles and rocket systems, portable launchers of anti-aircraft missile systems and mortars of a calibre of less than 100 mm (ibid, paras. 24-26).

33. Ammunition and explosives, such as cartridges (rounds) for small arms, shells and missiles for light weapons, anti-personnel and anti-tank hand grenades, landmines, explosives and mobile containers with missiles or shells for single-action anti-aircraft and anti-tank systems (ibid., para. 26 (c)) are generally regarded as a part of the problem of small arms and light weapons. The Group took note of the report of the Group of Experts on the problem of ammunition and explosives (see A/54/155), particularly with respect to the keeping of records on, marking and tracing of ammunition and explosives.

Illicit small arms and light weapons

34. The Group noted that in order to define and have a common understanding of the term "illicit", it is necessary to define what is legal and also to understand the link between legal and illicit weapons. The Group noted that a majority of small arms and light weapons are initially manufactured legally. They are either manufactured domestically by the State or in factories authorized by the State, or are legally acquired by individuals, private actors or Government agencies from foreign producers or suppliers. In some instances, weapons are illicitly produced, in which case they usually remain in the illicit market. The Group also noted the problem of production of small arms and light weapons under expired foreign licences.

35. The Group noted that legal weapons may become illicit through transfers (both intra-State and inter-State). However, there are also a number of other means by which weapons are diverted to illicit markets: (a) domestic leakage, through theft, the action of corrupt Government officials or the breakdown of State control; (b) false end-user certifications or violations of end-use undertakings; (c) the small-

scale transfer of weapons legally acquired in one State into a neighbouring State; and (d) Government supplies to non-State actors or countries under embargo by the United Nations Security Council or under other restrictions.

36. The Group noted that weapons are deemed to be illicit if they are found or seized on a State's national territory and are defined as illicit under national and/or international law by a competent authority.

37. The Group agreed that illicit small arms and light weapons could be broadly defined as weapons the presence or possession of which is in violation of national law, or as weapons that are the subject of an illicit transaction or activity, according to national and/or international law.

38. The Group agreed that the use of the term "illicit" could be applied to production, possession (of certain types of weapons), use (including illicit end-users), stockpiling, trade, brokering, transfer (import, export and transit) and reactivation of small arms and light weapons, when these activities occur in violation of the law.

39. The Group agreed that, for the purpose of the present report, its primary focus would be illicit weapons in conflict situations and in terrorist activities.

B. Marking

Technical issues

1. Practice

40. Most arms-producing countries have some form of legislation and/or regulation requiring the marking of weapons produced within their jurisdiction. However, regulatory requirements and marking practices vary widely among countries.

41. Most small arms and light weapons that are legally manufactured are marked during the production process.

42. Markings are usually applied to such essential components as the frame, receiver, barrel and, where applicable, slide, although the location can vary widely, depending on the manufacturer, national practice and relevant national regulations. The location of markings on light weapons is often quite different from their location on small arms, and in many cases light weapons bear unique markings in a number of different locations.

43. Some manufacturers do not always mark the weapons they make for their own national armed forces or for the armed forces of export clients, leaving the armed forces to mark such arms later, according to their own needs. In some countries different branches of the armed services have their own marking systems.

44. In many countries there are separate systems and practices for the marking of small arms and light weapons for civilians, police and armed forces.

45. Many countries require imported small arms and light weapons to be marked, usually with the ordnance mark for that country, along with the year of importation. In some countries imported civilian firearms must be marked with the importer's name and address or logo.

46. The 12 countries[8] that are members of the Permanent International Commission for the Proof of Small Arms have agreed regulations requiring that all firearms and military small arms be tested for safety and stamped with verification marks (including a national stamp and year code) prior to use, sale or export.

47. Some countries also require exported small arms and light weapons to be marked.

2. Methods

48. The methods of marking vary widely among countries, although the most common method for marking small arms and light weapons during the production process is stamping (impressing). This not only is simple and inexpensive, but also has substantial forensic advantages. The disruption of the molecular structure of metal caused by stamping is much deeper than with less intrusive methods, such as etching and engraving, thus improving the chances of retrieving information even after attempts are made to erase the mark.

49. The methods for the marking of light weapons may differ significantly from those used for the marking of small arms, given the size, complexity (because of their various parts and components) and materials used in the production of light weapons.

50. Most marking methods are intended to create a reliable or permanent mark that cannot be easily obliterated, altered or removed. In some cases, those involved in the illicit production, possession, use, stockpiling, trade, brokering, transfer and reactivation of small arms and light weapons try to remove identifying marks. When successful, this process is known as sanitization.[9]

51. In order to make sanitization more difficult, manufacturers can place marks in less visible or on less accessible components of the weapons or on delicate but essential components that would be damaged by attempts to remove marks. Marks may also be stamped on two or more locations of the same component in order to facilitate the retrieval of information.

52. The concept of covert secondary marking has been developed in recent years. This has been facilitated through the use of other marking techniques, such as laser etching, embedded electronic chips and the mixing of chemical tracers in materials from which weapon parts are constructed. These can be used, whenever the technological capability is available, to make back-up marks that may prove helpful for the future identification of the weapon.

3. Content

53. There are wide variations between countries in terms of the content of markings used to mark weapons either during the production process or at a later stage (at the time of import or export). However, three main approaches to the content of markings used for small arms and light weapons can be identified. In all of these approaches the objective is for the mark to be unique.

54. The first approach involves a single mark of letters and numbers (full alphanumeric code).[10]

55. The second approach combines numeric or alphanumeric code with various geometric symbols.[11]

56. The third approach combines a single alphanumeric code (letters and numbers) or serial number with other marks on the weapon denoting manufacturer, model, calibre and country of manufacture, which, when taken together, create a unique identifier to permit the tracing of an individual weapon.

57. Some small arms and light weapons have a number of other marks in addition to those constituting their unique identifier. These include import marks, proof marks, year or batch codes, armourers' marks and selector markings. Although these marks tend not to be individually unique, in combination with the unique identifier (e.g., serial number), they can assist in tracing the history and likely source of the weapon.

58. The components and spare parts of small arms and light weapons may or may not be marked during the production process. Components that are prone to wear and tear and are regularly replaced are often not uniquely marked.

59. The content of markings may vary considerably among small arms, light weapons and their associated parts and components.

Policy issues

60. The Group agreed that marking should remain a national prerogative, given the wide variations in terms of national systems (practice, methods and content of markings).

61. However, on the basis of existing national practice, it is possible to identify various common minimum standards with respect to marking. The Group agreed that the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects should provide the starting point for identifying common standards with respect to marking and that the provisions on marking contained in the United Nations Firearms Protocol should also serve as a reference to that end.

62. Common minimum standards include the following:

(a) All small arms and light weapons are marked at the time of manufacture and, if necessary, import;

(b) All unmarked or inadequately marked weapons that are confiscated, seized or collected are marked or destroyed;

(c) All markings would be unique, as well as reliable, visible, easily recognizable, readable and user-friendly;

(d) A unique marking would be applied to one or more of the following locations: frame, receiver, barrel and slide;

(e) The information contained in the marking at the point of manufacture would include the following information: country of manufacture and serial number;

(f) The information contained in the marking at the time of import, if such a marking is necessary, would include the country and, when possible, date of import;

(g) Exchange of information on national marking systems;

(h) The same part of the same model of a small arm or light weapon would always receive the manufacturer's unique mark so as to avoid the trafficking of spare parts that would make it possible to reconstitute an unmarked weapon;

(i) The manufacturer's unique mark would be applied to an essential (structural) component of the weapon, the destruction of which would make it definitively inoperable.[12]

63. Discussions in the Group indicated that:

(a) The exchange of information with respect to national marking systems might be subject to certain limitations or exceptions because of national security considerations;

(b) The exchange of information on national marking systems should not be viewed as a transparency mechanism, and information on production, stockpiles, transfers and the like was not intended to be included in the exchange of information on national marking systems;

(c) Existing customs cooperation between countries could be used as a possible model for the exchange of information about national marking systems;

(d) There are significant differences in cost among the various methods and technologies employed for markings;

(e) The arms industry could make a contribution in assisting with the issue of sanitization.

64. Norms and undertakings on marking already exist in various regional and/or international agreements (see annex).

C. Record-keeping

Technical issues

1. Practice and systems

65. Most countries have legislation, regulations and/or procedures providing for the maintenance of records concerning all small arms and light weapons under their jurisdiction. However, the regulatory requirements and record-keeping systems and practices vary widely among countries, depending on national traditions, constitutional systems and government structures.

66. In some countries, separate record-keeping systems are maintained for weapons held by civilians, police and armed forces. In others, record-keeping systems are quite decentralized. For example, in certain States, manufacturers hold records on production, while records on possession and ownership are held by national licensing authorities or police and records on transfers (imports, exports, transit) are held by customs authorities. In some countries, constitutional and/or legal constraints preclude the centralization of records (e.g., with regard to civilian ownership) at the national level. In such countries there arises the question of how to link or access the information in these various record-keeping systems.

2. Content of records

67. There are variations between countries in terms of the content of their records with respect to small arms and light weapons.

68. Records usually include details of the weapon itself (type, model, calibre, unique markings, etc.) and elements of its history (production, possession, ownership, stockpiling, resale, transfer, destruction, etc.).

69. In some countries, additional information about brokers, agents, wholesalers, retailers, dealers, gunsmiths, transport agents, end-user certificates, end-use undertakings and so forth is also maintained.

3. Maintenance of records

70. There are wide variations among countries in terms of how records are organized and maintained, including the use of paper and electronic record-keeping systems. There is also the issue of converting paper records to electronic records.

71. Some producing countries keep records for a specific period (e.g., 5, 10 or 20 years), while others keep them for an indefinite period.

72. In order to ensure and maintain the accuracy of records, some countries use a variety of verification methods, including the Firearms Reference Table.[13] Some countries have established a centralized monitoring system that is able to monitor the records of all authorized manufacturers and dealers and impose penalties if accurate records are not kept.

Policy issues

73. The Group agreed that record-keeping should remain a national prerogative, given the wide variations in terms of national systems and practices.

74. However, on the basis of existing national practice, it is possible to identify various common minimum standards with respect to record-keeping.

75. The Group agreed that the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects should provide the starting point for identifying common standards with respect to record-keeping and that the provisions on record-keeping contained in the United Nations Firearms Protocol should also serve as a reference to that end.

76. Common minimum standards include the following:

(a) Establishing and maintaining accurate and comprehensive records of all marked small arms and light weapons under a State's jurisdiction;

(b) Organizing and maintaining all records in such a way as to ensure that accurate information can be retrieved and collated by competent national authorities in a timely and reliable manner;

(c) Records contain information about the marked weapon itself (type, model, calibre, unique markings, etc.) and elements of its history, such as production, possession, use, ownership, stockpiling, trade, transfer (import, export, transit, end-user certificates and end-use undertakings), reactivation and destruction;

(d) Records pertaining to the weapon are kept as long as needed for the purposes of tracing.

77. Discussions in the Group indicated that:

(a) There might be specific problems and challenges associated with linking or integrating various small arms and light weapons record-keeping systems, particularly in countries where the centralization of records (especially in relation to personal data) is precluded by legal/constitutional constraints;

(b) Cooperation and technical assistance might be essential, particularly for countries in the process of establishing, upgrading, maintaining and/or converting (from paper to electronic records) their national record-keeping systems;

(c) The establishment or development of regional record-keeping arrangements and the harmonization of national record-keeping systems could be encouraged among neighbouring States, or within regional or subregional organizations.

(d) Records held by companies that go out of business should be returned to the State.

78. Norms and undertakings on record-keeping already exist in various regional and/or international agreements (see annex).

D. Cooperation in tracing

Technical issues

1. Practice

79. Most countries have laws, regulations and/or procedures that govern the tracing of illicit weapons. However, national practices and experiences in tracing illicit weapons vary widely, and most countries have more experience with tracing weapons in crime, rather than conflict, situations.

80. Current capacities for tracing illicit weapons vary widely among countries. In some countries significant resources are required to establish a national tracing infrastructure.

81. Cooperation between and among States in tracing illicit small arms and light weapons is not always very effective, and ways to enhance cooperation in tracing illicit weapons are urgently needed.

82. In principle there are no significant differences in initiating tracing requests with respect to illicit small arms and light weapons in crime and conflict situations, though there might be different objectives. These objectives include identifying and prosecuting those involved in trafficking small arms and light weapons and/or disrupting or gaining intelligence about the supply of illicit small arms and light weapons. In conflict situations, supply lines tend to be longer and more complex and greater efforts are made to disguise them through the use of brokers, front companies and the like. The role of intermediaries (including brokers and transport agents) is often a critical element in the supply of weapons to conflict zones. The quantity of small arms and light weapons, as a rule, tends to be much larger than in crime situations, and the arms are usually diverted from military and other official

stockpiles or from former military surplus stocks. In these situations, customs services, military police and intelligence services can complement law enforcement entities in tracing weapons.

83. Military systems for marking and record-keeping, which are often separate from civilian systems, may have a specific role to play in tracing military-style small arms and light weapons in both crime and conflict situations. There is often a need for greater cooperation between the armed forces of different countries with respect to tracing illicit weapons.

84. A common problem in tracing requests is the misidentification of the weapons concerned (in terms of type, model, country of manufacture, etc). Thus, there is a need to enhance capacities to correctly identify weapons.

2. Modalities/institutions

85. In most cases the starting point for initiating a tracing request is the presence of an illicit weapon (as defined by a competent national authority) on a country's territory. There is, however, no common practice in terms of whether the weapon should be declared illicit by the requesting or the requested State, or by both.

86. A range of domestic and international mechanisms and institutions already exists to facilitate tracing requests. However, there are currently very few, if any, common rules, standards and procedures with respect to the modalities of tracing requests, beyond a basic obligation to cooperate and to respond to such requests.

87. Some countries have established national tracing systems tasked with initiating and responding to tracing requests. In many countries the national office of the International Criminal Police Organization (Interpol) plays a key role in facilitating tracing requests with other States (Interpol members) for weapons discovered in crime situations. With regard to illicit weapons discovered in conflict situations, the trace is usually initiated by Foreign Ministries, or sometimes through a multilateral organization.

88. The Group noted that the role of Interpol with respect to the tracing of illicit weapons in conflict or post-conflict situations may have some limitations.

89. The Group further noted that bilateral, diplomatic and political relationships between States, and subregional or regional arrangements, although they need to be further enhanced, are also useful in facilitating the tracing of illicit weapons in conflict or post-conflict situations.

Policy issues

90. The Group agreed that tracing should remain a national prerogative, given the wide variations in terms of national practice and experience.

91. However, on the basis of existing national practice, it is possible to identify various common minimum standards and procedures with respect to cooperation in tracing.

92. The Group agreed that the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its

Aspects should provide the starting point for identifying common minimum standards and procedures with respect to cooperation in tracing.

93. Common minimum standards include the following:

(a) States would strengthen their ability to cooperate in identifying and tracing illicit small arms and light weapons;

(b) States would to establish and maintain a national tracing system capable of undertaking and responding to tracing requests within agreed modalities;

(c) States would establish, or designate if they have not already done so, a national point of contact to act as a liaison with other States on matters relating to the tracing of illicit small arms and light weapons; this national point of contact has responsibility for the exchange of information and liaison with multilateral organizations on matters relating to the tracing of illicit weapons;

(d) States would cooperate among themselves and with any relevant international organization (Interpol, the World Customs Organization, the United Nations) in order to enhance their ability to trace illicit small arms and light weapons;

(e) The presence of an illicit weapon on a State's territory, as defined by a competent national authority, would be considered sufficient justification to initiate a tracing request;

(f) States would provide prompt, timely and reliable responses to requests for assistance in tracing illicit small arms and light weapons;

(g) Sufficient information would be sought or provided in the context of a tracing request;

(h) The information exchanged in the context of a tracing request would be treated as confidential between the States concerned: States guarantee the confidentiality of the information received and, in principle, respect all restrictions placed on the use of the information;

(i) States would exchange information, on a voluntary basis, both with each other and with international organizations (e.g., Interpol, the United Nations) with respect to their experiences in tracing illicit weapons discovered on their territory;

(j) States would cooperate with the United Nations, particularly with respect to the tracing of illicit weapons found in countries that are subject to a United Nations arms embargo, as well as with other organizations.

94. Discussions in the Group indicated that:

(a) Existing bilateral instruments, including those covering mutual legal assistance, could be used to facilitate the tracing process;

(b) There is a role for arms manufacturers in assisting with tracing requests;

(c) In the future, the mandates of United Nations Security Council peacekeeping operations could include a provision enabling them to initiate traces of illicit weapons found in specific conflict and post-conflict situations;

(d) The findings and recommendations of the reports of the Security Council sanctions Committees could be useful in identifying relevant issues relating to the tracing of illicit weapons in conflict and post-conflict situations;

(e) An international centre could be created to assist cooperation in tracing. The Group felt, however, that efforts should be made to strengthen Interpol and other existing international organizations (including the World Customs Organization) rather than creating a new international institution;

(f) Tracing financial flows, including the financing of arms deals, might be useful in tracing illicit small arms and light weapons;

(g) International cooperation and assistance are needed with respect to those countries that have limited domestic capacities for initiating or responding to tracing requests;

(h) There is a need for bilateral and multilateral confidence-building mechanisms to encourage cooperation in tracing;

(i) Exchange of information on transfers (imports and exports) of small arms and light weapons could be encouraged within regional and/or subregional arrangements.

95. Norms and undertakings on cooperation in tracing already exist in various regional and/or international agreements (see annex).

IV. Conclusions

96. The Group concluded that, on the basis of its discussions, the development of an international instrument was desirable for a number of reasons:

(a) The problem of illicit small arms and light weapons has global dimensions, and an international instrument would therefore be an essential tool to support the efforts of States to deal with the problem of illicit small arms and light weapons;

(b) Such an instrument would help to clarify, develop and strengthen common international standards and practices with respect to the marking of and keeping of records on small arms and light weapons and cooperation in tracing illicit small arms and light weapons;

(c) Such an instrument would help to foster and promote international cooperation in tracing, enhance existing international and regional agreements to prevent, combat and eradicate illicit small arms and light weapons and strengthen the existing commitments of States with respect to tracing;

(d) An international instrument could facilitate processes for identifying and promoting best practices and lessons learned in respect of marking, tracing and keeping records on small arms and light weapons and could help establish or support mechanisms, institutions and programmes to promote the implementation of existing commitments, including in respect of international cooperation and assistance;

(e) The development of such an international instrument, under the auspices of the United Nations, would promote more responsible behaviour on the part of

States with respect to their possible roles in contributing to the excessive and uncontrolled spread of illicit weapons in many regions of the world;

(f) In this regard, an international instrument would fill any existing gaps in existing instruments and thus strengthen them.

97. The Group also concluded that, on the basis of its discussions, the development of an international instrument was feasible for a number of reasons:

(a) There is already a common understanding among States with respect to the issue of illicit small arms and light weapons, as reflected in the 2001 report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.[7] Other relevant reports include those of the Group of Governmental Experts established pursuant to General Assembly resolution 54/54 V (see A/CONF.192/2), the Group of Governmental Experts on Small Arms (see A/54/258) and the Panel of Governmental Experts on Small Arms (see A/52/298). States have also concluded the 2001 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (resolution 55/255, annex);

(b) The possible establishment of an international agreement on a tracing mechanism, related to common principles of marking and keeping records on small arms and light weapons, was identified as a key issue in the report of the Group of Governmental Experts established pursuant to General Assembly resolution 54/54 V (see A/CONF.192/2, para. 39);

(c) States have already indicated, by means of commitments at the national, regional and international levels, that they have the political will to address the issue of illicit small arms and light weapons and that they are willing to consider ways to strengthen the ability of States to prevent, combat and eradicate illicit small arms and light weapons;

(d) The issue of tracing has been identified in various regional and international agreements as a key measure for national, regional and/or international efforts to prevent, combat and eradicate illicit small arms and light weapons;

(e) States have already made a number of commitments (in regional and international agreements) with respect to marking, record-keeping and tracing. Thus, a number of common minimum standards and principles already exist (see annex);

(f) The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which includes commitments on tracing, provides the basis for the work of the Group, and therefore the development of an international instrument on tracing could be viewed as a contribution to the implementation of the Programme of Action and other international agreements;

(g) For such an international instrument to be feasible and effective, international assistance might be essential for countries in the process of establishing, upgrading and maintaining their marking, record-keeping and tracing capabilities.

V. Recommendations

98. The Group:

Recognizing the negative consequences associated with the excessive and uncontrolled spread of illicit small arms and light weapons in all its aspects,

Considering the political will expressed by States, notably in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[2]

Considering the technical, legal, and political aspects of the traceability of small arms and light weapons at the national and international levels,

Determines that it is feasible to develop an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons,

Notes that the character of the international instrument will be determined in the course of negotiations,

Further notes that the international instrument should be complementary to, and not inconsistent with, States' existing commitments under relevant international instruments,

Notes further that the international instrument should take into account States' national security and legal interests, and

Recommends that a decision to negotiate, under the auspices of the United Nations, an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, be taken by the General Assembly at its fifty-eighth session.

Notes

[1] See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), para. 24.

[2] *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15).

[3] See A/57/160, annex I.

[4] The Recommendations on the Transport of Dangerous Goods were prepared by the Committee of Experts on the Transport of Dangerous Goods of the Economic and Social Council and were first published in 1956 (ST/ECA/43-E/CN.2/170). At its nineteenth session (2-10 December 1996), the Committee adopted a first version of the Model Regulations on the Transport of Dangerous Goods, which was annexed to the tenth revised edition of the Recommendations. The most recent edition of the Model Regulations (twelfth revised edition) was published in 2001 (ST/SG/AC.10/1/Rev.12).

[5] See the reports of the Panel of Governmental Experts on Small Arms (A/52/298), the Group of Governmental Experts on Small Arms (A/54/258) and the Group of Governmental Experts established pursuant to General Assembly resolution 54/54 V (A/CONF.192/2) for further details concerning the nature of the problem of illicit small arms and light weapons.

[6] Adopted at Vienna, 24 November 2000 (FSC.DOC/1/00).

[7] Adopted at Blantyre, Malawi, 14 August 2001.

[8] Belgium, Chile, the Czech Republic, Finland, France, Germany, Hungary, Italy, Slovakia, Spain, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland.

[9] The term "obliteration" is sometimes also used to mean sanitization. According to the representative of the United Kingdom of Great Britain and Northern Ireland on the Group of Governmental Experts, at least 20 per cent of all illicit weapons that are seized by relevant authorities in the United Kingdom have been sanitized.

[10] For example, a British SA80rifle is marked with a unique identifier such as UE 85 A000001: U = code for country of manufacture (UK); E = British Factory Code (Enfield); 85 = year of manufacture (1985); A000001 = serial number.

[11] The symbol is used to distinguish between identical weapons marked with the same alphanumeric code but manufactured at different factories.

[12] The marking of small moveable parts is more delicate and raises certain practical problems, because these small parts, subject to wear and tear, can be replaced in the course of the weapon's life cycle.

[13] The Firearms Reference Table, a photographic database containing details of more than 22,000 firearms, military small arms and light weapons, was created by the Royal Canadian Mounted Police to assist in weapon and marking identification. The Table is also a key element of the Interpol International Weapons and Explosives Tracking System.

Annex

Existing political and legal undertakings on marking, record-keeping and cooperation in tracing

I. Marking

1. At the global level, States have already made a number of undertakings with respect to marking.

Political

Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

2. Participating States agree to:

- Ensure that licensed manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process. The marking should be unique, identify the country of manufacture and provide information that enables the national authorities of that country to identify the manufacturer and serial number, so that the authorities concerned can identify and trace each weapon (sect. II, para. 7)
- Adopt, where they do not exist, and enforce all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons (sect. II, para. 8)
- Ensure that any confiscated, seized or collected small arms and light weapons that are not destroyed are duly marked (sect. II, para. 16)
- Mark any weapons collected but not destroyed in the context of disarmament, demobilization and reintegration programmes (sect. II, para. 21)
- Exchange information on a voluntary basis on their national marking systems for small arms and light weapons (sect. III, para. 12).

Legal

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

3. States parties shall:

- At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative, unique, user-friendly marking with simple geometric symbols in combination with a numeric and/or

alphanumeric code, permitting ready identification by all States of the country of manufacture (article 8, para. 1 (a))

- Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking (article 8, para. 1 (b))
- Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States parties of the transferring country (article 8, para. 1 (c))
- Encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings (article 8, para. 2)
- Mark any illicitly manufactured or trafficked firearms that have been seized but not destroyed (article 6, para. 2).

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

States parties agree that:

- The use of mines produced after the entry into force of the Protocol is prohibited unless they are marked in English or in the relevant national language or languages with the following information:
  - (a) name of the country of origin;
  - (b) month and year of production;
  - (c) serial number or lot number.
- The marking should be visible, legible, durable and resistant to environmental effects, as far as possible (Amended Protocol II, Technical Annex, para. 1 (d)).

At the regional level, States have already made a number of undertakings with respect to marking.

Political

Organization for Security and Cooperation in Europe Document on Small Arms and Light Weapons

4. The participating States of the Organization for Security and Cooperation in Europe (OSCE) agree to ensure that all small arms manufactured on their territory after 30 June 2001 are marked in such a way as to enable individual small arms to be traced. The marking should contain information that would allow the investigating authorities to determine, at a minimum, the year and country of manufacture, the manufacturer and the weapon's serial number. This information is provided by an identifying mark that is unique to each small arm. All such marks should be

permanent and placed on the small arm at the point of manufacture. Participating States will also ensure as far as possible and within their competence that all small arms manufactured under their authority outside their territory are marked to the same standard (sect. II.B.1).

5. Further, OSCE participating States agree to destroy any unmarked small arms discovered in the course of the routine management of their current stockpiles, or, if those small arms are brought into service or exported, to mark them beforehand with an identifying mark unique to each small arm (sect. II.B.2).

6. In 2001, OSCE participating States also conducted an exchange of information on their national marking systems used in the manufacture and/or import of small arms (sect. II.D.1).

Legal

Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (Organization of American States)

7. States parties shall:

- Require, at the time of manufacture, appropriate markings indicating the name of the manufacturer, place of manufacture and serial number
- Require appropriate markings on imported firearms permitting the identification of the importer's name and address
- Require appropriate markings on any illicitly manufactured or trafficked firearms that have been confiscated or forfeited and retained for official use (article VI).

Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region

8. States parties undertake to establish agreed systems to ensure that all firearms are marked with a unique number, at the time of manufacture or import, on the barrel, frame and, when applicable, the slide. This marking shall identify the country of manufacture, the serial number and the manufacturer of the firearm (article 9).

II. Record-keeping

9. At the global level, States have already made a number of undertakings with respect to record-keeping.

Political

Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

10. Participating States agree to:

- Ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities (sect. II, para. 9)
- Ensure that any confiscated, seized or collected small arms and light weapons that are not destroyed are duly registered (sect. II, para. 16)
- Record any alternate form of disposition or use of weapons collected but not destroyed in the context of disarmament, demobilization and reintegration programmes (sect. II, para. 21).

Legal

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

11. States agree to:

- Ensure the maintenance, for not less than 10 years, of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition that are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:

(a) The appropriate markings required by article 8 of the Protocol;

(b) In cases involving international transactions in firearms, their parts and components and ammunition, the issuance and expiration dates of the appropriate licences or authorizations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles (article 7)

- Record any alternate methods of disposal of illicitly manufactured or trafficked firearms and ammunition that have been seized but not destroyed (article 6, para. 2).

12. At the regional level, States have already made a number of undertakings with respect to record-keeping.

Political

Organization for Security and Cooperation in Europe Document on Small Arms and Light Weapons

13. Organization for Security and Cooperation in Europe participating States will ensure that comprehensive and accurate records of their own holdings of small arms, as well as those held by manufacturers, exporters and importers of small arms within their territory, are maintained and held as long as possible with a view to improving the traceability of small arms (sect. II.C.1).

Legal

Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials

14. States parties of the Organization of American States undertake to:

- Ensure the maintenance for a reasonable time of the information necessary to trace and identify illicitly manufactured and illicitly trafficked firearms (article XI).

Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region

15. States parties undertake to:

- Keep proper records of the markings applied to firearms (article 9, para. 1)
- Establish and maintain complete national inventories of firearms, ammunition and other related materials held by security forces and other State bodies (article 8 (a))
- Incorporate in their national laws as a matter of priority the regulation and centralized registration of all civilian-owned firearms in their territories (article 5, para. 3)
- Consider establishing and maintaining national electronic databases of licensed firearms, firearm owners and commercial firearms traders within their territories (article 7)
- Establish national firearms databases to facilitate the exchange of information on firearms imports, exports and transfers (article 16 (b)).

III. Cooperation in tracing

16. At the global level, States have already made a number of undertakings with respect to cooperation in tracing.

Political

Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

17. Participating States agree to:

- Strengthen the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons (sect. II, para. 36)
- Cooperate with each other and, where appropriate, with relevant international, regional and intergovernmental organizations, in tracing illicit small arms and light weapons, in particular by strengthening mechanisms based on the exchange of relevant information (sect. III, para. 11)
- Establish or designate, as appropriate, a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action (sect. II, para. 5), and also to establish or designate, as appropriate, a similar point of contact within subregional and regional organizations for the same purpose (sect. II, para. 24).

Legal

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

18. States parties agree to:

- Cooperate in the tracing of firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked. Such cooperation shall include the provision of prompt responses to requests for assistance in tracing such firearms, their parts and components and ammunition, within available means (article 12, para. 4)
- Identify a national body or a single point of contact to act as liaison with other States parties on matters relating to the Protocol (article 13, para. 2)
- Cooperate with each other and with relevant international organizations, as appropriate, so that States parties may receive, upon request, the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (article 14).

19. At the regional level, States have already made a number of undertakings with respect to cooperation in tracing.

Political

Organization for Security and Cooperation in Europe Document on Small Arms and Light Weapons

20. Organization for Security and Cooperation in Europe participating States agree to:

- Cooperate with each other on the basis of customary diplomatic procedures or relevant agreements and with intergovernmental organizations, such as Interpol, in tracing illegal small arms. Such cooperation will include making available, upon request, relevant information to the investigating authorities of other participating States (sect. III.E.4)
- Share, in conformity with their national laws, and on a confidential basis through appropriate and established channels (for example, Interpol, police forces or customs agencies) information on seizures of illicitly trafficked small arms, including the quantity and type of weapons seized, their markings and details of their subsequent disposal (sect. III.E.6 (ii)).

Legal

Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials

21. States parties of the Organization of American States undertake to:

- Cooperate in the tracing of firearms, ammunition, explosives, and other related materials that may have been illicitly manufactured or trafficked. Such cooperation shall include accurate and prompt responses to trace requests (article XIII, para. 3)
- Identify a national body or a single point of contact to act as a liaison among States parties, as well as between them and the Consultative Committee established in Article XX, for purposes of cooperation and information exchange (article XIV, para. 2)
- Cooperate with each other and with competent international organizations, as appropriate, to ensure that there is adequate training of personnel in their territories, the subject matter of which shall include the identification and tracing of firearms, ammunition, explosives and other related materials (article XV, para. 2).

Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region

22. States parties agree to:

- Establish appropriate mechanisms for cooperation among law enforcement agencies to promote the effective implementation of the Protocol, including systems for rapid information flows, the promotion of cooperation with international organizations, such as Interpol and the World Customs Organization, and the use of existing databases (article 15).